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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/604,525	06/27/2000	Humberto C. Portillo	10722-31970	4943

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EXAMINER

FULTS, RICHARD C

ART UNIT	PAPER NUMBER
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3628

DATE MAILED: 02/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/604,525

Applicant(s)

PORTILLO ET AL.

Examiner

Richard Fults

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-159 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16-159 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 16-159 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker (US 6,356,878 B1) in view of Boesch et al (US 5,897,621 A) and Togut, CVG,FDC,& EDS Highlight Internet Strategies, March 2000.

As to claims 16-159 **Walker** discloses (see at least columns 1-20, but in particular columns 1-10) all the steps, methods, and means contained in those claims, including a method and means for facilitating a transfer of a payment for a computerized transaction between a buyer and a seller for the purchase of an item, communicating and displaying over a computer to an agent, and later to the seller, data and information about that transaction, with identification of the buyer and seller and the amount of the transaction, providing for payment of the transaction at an agent location, and communicating to the seller the payment, transferring the payment funds from the buyer to the agent and to the seller, communicating the agents confirmation number and the sellers order number and the total price including fees, providing an agent computing system to the utilized computer network from various locations, and seller receiving

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payment. Walker does not specifically teach the currency conversion or informational system.

Boesch discloses (see at least columns 1-18, but in particular columns 1-4) currency conversion over an international network such that a seller can express his price as stated in a second currency (buyer's currency), complete with payment informational systems.

Togut discloses (see pages 1-4) that in March, 2000 Western Union announced several new internet payment systems for all of its hundreds of offices world-wide, complete with payment informational systems.

Because it would have been common sense and advantageous and would have provided a more comprehensive and efficient system of international commerce over the internet, it would have been obvious to one skilled in the art at the time of the invention to add the teachings of Boesch and Togut to those of Boesch, and to have added those of Boesch to those of the others for the same reason.

Official Notice is taken that international trade over computer networks has been in existence for many decades, and especially since the advent of the internet in the early 1990s and, as shown by the applicants drawings, agencies have existed to handle the necessary multiple currency transactions commonly involved, including converting currencies, displaying the conversion rates, reporting the two different currency amounts and the total transaction amount to all the parties involved as part of a common and well known everyday system to facilitate international trade. It would have been obvious for one skilled in the art at the time of the invention to have utilized these agency systems for currency transactions and informational reporting for all of the parties involved in the transaction. Any buyer over the internet typically has several payment options, including credit card, paypal, check, money order or, lacking any of those, payment in cash through a local office of an agent like Western Union. It is

standard for a seller to contact a buyer at the buyer's computer to disclose the net amount due, and Boesch teaches how that is done in the buyer's currency. In the specification there was a comment about a foreign buyer who used their own computer to make a purchase over the internet, but who did not have a credit card (normally the standard payment method for internet purchases), needing a local physical agent in their own country in order to pay cash for the purchase through the agent's computer system in their own currency. Under those circumstances it would have been obvious to use an agent like Western Union to make payment for an internet purchase in the local currency. This is a combination of old and well known steps that has no unexpected result, and is therefor not novel or unique or patentable.

2. Note is taken by the examiner that should the applicant find objectionable any statements made herein by the examiner regarding Official Notice, Applicant can make a proper challenge to those statements only by providing adequate information or argument so that on its face it creates a reasonable doubt regarding the circumstances justifying those statements: a simple response requesting a reference without doing so, or a response that fails to logically refute the basic assumptions underlying the justification, will result in an improper and failed challenge and those unchallenged statements will remain the record of the case. Applicants must seasonably challenge those statements in the first response following an Office Action. If an applicant fails to do so, his right to challenge them is waived.

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Fults whose telephone number is 703-305-5416. The examiner can normally be reached on weekdays from 8:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung Sough, can be reached on (703)-305-0505. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.


RCF

1/15/2004



JEFFREY PWU
PRIMARY EXAMINER